

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 893

Introduced by Senator Morrow
(Coauthor: Senator Johnson)
(Coauthors: Assembly Members Maze and Runner)

February 21, 2003

An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 893, as amended, Morrow. Workers' compensation: permanent disability schedule.

Existing workers' compensation law authorizes the Administrative Director of the Division of Workers' Compensation to prepare, adopt, and from time to time amend a schedule for the determination of the percentage of permanent disabilities in accordance with specified provisions.

This bill would provide that when applying the above schedule, no injury rating shall be based on a medical report that is not in accordance with certain medical publications relating to injuries and impairments.

Existing law provides that when determining the percentages of permanent disability, account shall be taken of various factors, including the nature of the physical injury or disfigurement.

This bill would require that objective medical findings be used when considering the nature of the physical injury or disfigurement for purposes of determining the percentages of permanent disability.

The bill would also make various technical, nonsubstantive changes, and would eliminate obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4660 of the Labor Code is amended to
2 read:

3 4660. (a) When determining the percentages of permanent
4 disability, account shall be taken of the nature of the physical
5 injury or disfigurement using objective medical findings, the
6 occupation of the injured employee, and his or her age at the time
7 of the injury, consideration being given to the diminished ability
8 of the injured employee to compete in an open labor market.

9 (b) The administrative director may prepare, adopt, and from
10 time to time amend, a schedule for the determination of the
11 percentage of permanent disabilities in accordance with this
12 section. This schedule shall be available for public inspection, and
13 without formal introduction in evidence shall be prima facie
14 evidence of the percentage of permanent disability to be attributed
15 to each injury covered by the schedule.

16 (c) Any schedule and any amendment or revision of the
17 schedule shall apply prospectively and shall apply to and govern
18 only those permanent disabilities that result from compensable
19 injuries received or occurring on and after the effective date of the
20 adoption, amendment, or revision of the schedule, ~~as the fact may~~
21 ~~be~~.

22 (d) When applying the schedule authorized under subdivision
23 (b), no injury rating shall be based on a medical report that is not
24 in accordance with the American Medical Association guides to
25 the evaluation of permanent impairment, the American
26 Psychiatric Associations' Diagnostic and Statistical Manual of
27 Mental Disorders, the Manual for Orthopedic Surgeons in
28 Evaluating Permanent Physical Impairment, and the Snellen
29 Charts published by the American Medical Association
30 Committee for Eye Injuries.

